

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – AUGUST 3, 2010

The regular meeting of the Newton City Council was held on Tuesday, August 3, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, Robert C. Abernethy, Jr., and Mayor Pro Tem Anne Stedman.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Bootsie Roberts, City Department Heads, and members of the Management Team.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Robert A. Mullinax called the meeting to order and welcomed everyone to the meeting. He thanked the Council for inspecting and discussing the bricks that were on display to be discussed further during the meeting. He paused to publicly and personally congratulate Thurman “Nick” Harvell, Jr. and his wife on their 42nd wedding anniversary, as well as, extended congratulations to his wife Lynn, on their 36th wedding anniversary.

ITEM 2. OPENING – PLANNING DIRECTOR/ASSISTANT CITY MANAGER GLENN J. PATTISHALL:

Planning Director/Assistant City Manager Glenn J. Pattishall gave the invocation and led the audience in the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTES FROM THE JULY 13, 2010 REGULAR COUNCIL MEETING AND THE MINUTES FROM THE MAY 25, 2010 AND MAY 27, 2010 BUDGET WORK SESSIONS:

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe and unanimously adopted to approve the minutes from the July 13, 2010 regular meeting and the minutes from the May 25, 2010 and the May 27, 2010 Budget Work Sessions as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

Mayor Mullinax said that the Budget Ordinances presented are funds that had already been budgeted and no new funds have been appropriated. He said that the funds are being carried forward from Fiscal Year 2009-2010 to the Fiscal Year 2010-2011 Budget.

Council Member Wayne Dellinger asked if the ordinances included the \$852,550 [outstanding purchase orders]. He asked when the Fiscal Year 2011 budget was being discussed [during the budget process], how much of the \$852,550 was included.

Mayor Mullinax said that all of the \$852,550 was approved by the Council and obligated to pay for expenditures from the past calendar year and is being transferred to the new calendar year. Finance Director Serina Hinson confirmed the Mayor’s statement.

A motion was made by Council Member Mary Bess Lawing, seconded by Mayor Pro Tem Anne Stedman, and unanimously adopted to approve the Consent Agenda Items as submitted.

A. Sewer Adjustments – August 2010

The adjustment is recommended as a result of a water leak at the service address or a pool fill up.

Account Number	Name	Service Address	Adjustment Period	Amount of Adjustment
57001460-004	Christine Elliot	703 N Davis Ave	May 2010	\$26.16
20000740-001	TW Gamble	831 Hamilton St.	July 2010	\$44.20
20000740-001	David Sheets	615 N Deal Ave	June 2010	\$18.04
54004090-001	Deena Trivette	401 Rowe Dr.	June 2010	\$122.23

B. Authorization for Fire Works Display – Hickory American Legion Fair Association

C. Consideration of a Resolution in support of an Interlocal Agreement between the City of Newton and the Western Piedmont Council of Governments

Resolution #21-2010

**City of Newton, NC
SUPPORT FOR INTERLOCAL AGREEMENT
WPCOG-OWNED OFFICE FACILITY**

WHEREAS, Western Piedmont Council of Governments (WPCOG) plans to acquire real estate and construct a new building to serve as its office facility;

WHEREAS, WPCOG has rented office space since its formation in 1968;

WHEREAS, WPCOG will continue to need office space for its operations and service to its member local governments;

WHEREAS, WPCOG's current office space lease will expire on September 30, 2010;

WHEREAS, WPCOG is allowed by its duly approved Charter and By-Laws, and by North Carolina General Statute 160A-475 to own real property for use as its office facility;

WHEREAS, the WPCOG Policy Board has approved borrowing up to \$3 million from the United States Department of Agriculture (USDA) to acquire real estate and construct the planned office facility;

WHEREAS, the City of Newton has been an active member of WPCOG for more than 40 years;

WHEREAS, WPCOG has provided valuable assistance to the City of Newton for more than 40 years and now needs our help in securing financing for its office facility;

WHEREAS, WPCOG is required by the North Carolina Local Government Commission to have an Interlocal Agreement in place as additional security for its financing, which is attached thereto;

NOW THEREFORE BE IT RESOLVED that the City of Newton agrees to be a party to the referenced Interlocal Agreement and authorizes and directs the Mayor to execute said Agreement.

BY VOTE OF THE City of Newton City Council

BY: Council Member Mary Bess Lawing AND SECOND BY: Mayor Pro Tem Anne Stedman

This the 3rd day of August, 2010.

Newton Mayor Robert A. Mullinax

ATTEST:

Beunice R. Roberts, City Clerk/CMC

- D. Consideration of Budget Ordinance to carry forward remaining Grant and Lease Purchase Funds at June 30, 2010, and to appropriate funds for their intended purpose**

(ORDINANCES #2010-16A AND #2010-16B ARE HEREBY REFERENCED AND ON FILE IN THE OFFICE OF THE CITY CLERK)

- E. Consideration of Budget Ordinance to carry forward outstanding Purchase Orders at June 30, 2010, and appropriate funds to pay these outstanding encumbrances in Fiscal Year 2010-2011**

(ORDINANCE #2010-17 IS HEREBY REFERENCED AND ON FILE IN THE OFFICE OF THE CITY CLERK)

ITEM 5. COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

Mayor Mullinax asked if there was anyone in the audience who wished to speak on a non-agenda item. No one appeared to speak.

Mayor Mullinax mentioned that several citizens have been talking about the adoption of a "Golf Cart Ordinance" in the City of Newton. He said that further discussion on this subject would likely occur at an upcoming meeting.

ITEM 6. OLD BUSINESS:

- A. Consideration of Bids for South Main Avenue and West A Street Sidewalks and Budget Ordinance**

City Manager Todd Clark introduced the sidewalk item and called upon Director of Public Works and Public Utilities Wilce Martin to give the scope of the project.

Mr. Martin said that bids were solicited for the construction of a new sidewalk along West A Street from Ashe Avenue to South Main Avenue, and along South Main Avenue from West A Street to an alley located between South Square and the Old Post Office Playhouse. Mr. Martin said that the Staff has taken the bid specifications to five companies based on the following elements, and three companies responded in writing. He said that of the three companies, two responded with a reply of “No Bid.”

- Removal and disposal of the existing sidewalk, curb and gutter
- Forming, pouring and finishing curb and guttering for the length of the project
- Forming, pouring and finishing a sidewalk having a minimum width of 5 feet
- Installation of a brick covered utility strip having a minimum width of 2 feet

Mr. Martin gave a detailed review of the project procedures and highlighted three important issues that must be taken into consideration:

1. The City currently has 8 feet of area available behind the curb to construct a sidewalk.
2. As recommended in the recently adopted Downtown Newton Streetscape Plan, a brick covered utility strip should be installed between the curb and edge of sidewalk. The recommended width of the utility strip may be either 2 or 3 feet wide. If the Council elects to construct a 2-foot wide brick covered utility strip, a 6-foot wide sidewalk may be constructed (giving a total of 8 feet as noted previously). If the Council decides to construct a 3-foot wide utility strip, it would leave 5 feet of area within which to construct a sidewalk (equaling a total of 8 feet of available area). City Staff specified that the bidders should provide bids on both options: a 2-foot utility strip and 6-foot sidewalk or a 3-foot utility strip and 5-foot sidewalk.
3. The size and type of brick pavers should also be considered. Because the Downtown Newton Streetscape Plan has just been adopted, this particular project represents the first opportunity to consider the size, type and appearance of brick pavers that are desired to be used in the downtown. Consequently, the Staff asked the DNDA Design Committee to make a recommendation to City Council. The Design Committee did make a recommendation and the City Staff included the top three recommendations in the outgoing bid packages.

Mr. Martin said that the Staff needs the Council to make a decision on the pavers, and to determine the desired width for the brick utility strip and the desired width of the adjoining sidewalk.

Mayor Mullinax asked why there were only three bids received for the project. Mr. Martin said that two company representatives advised that they only do the contractor's portion of a project, pouring the concrete, not the demolition portion of the work.

Mayor Mullinax asked Mr. Martin if he thought many bids would be received if the City had other sidewalk projects around the courthouse or in the downtown. Mr. Martin said that there are two situations to consider, (1) the time of year and, (2) that some contractors are too busy with other projects and can not handle large projects. He said that if demolition is required for the project, that the project would receive more bid responses from construction companies than from concrete companies.

Council Member Wayne Dellinger asked if City Staff could perform the demolition. Mr. Martin said that the Staff is spread very thin now and the City does not have the manpower that it would take for such a project as this. He said that the cost to take up and dispose of the concrete would be approximately \$15,000.

City Manager Todd Clark said that the Staff is trying to avoid taking up the sidewalk during the Soldiers Reunion celebration. City Manager Clark mentioned also that the Old Post Office Playhouse is scheduled to open on September 15.

Mayor Mullinax said that he was very excited about the first sidewalk project since the new Downtown Newton Streetscape Plan was adopted, but very disappointed that there was only one viable bid.

Council Member Robert C. Abernethy, Jr. asked if the bid specifications were sent to the right contractors. He said that the sidewalk project is a big project and that he was surprised that there were only a few bids received and only one viable bid.

City Manager Todd Clark said that the project is estimated to be in the \$30,000 to \$90,000 range, and according to the General Statutes the Staff can contact any contractor for a bid. He said that the Staff has done due diligence in trying to pursue bids on the project. Mr. Martin said that the price for the project is a good price.

There was a lengthy discussion regarding the 2-foot or 3-foot wide utility strip, the maintenance program, and the 5-foot sidewalk which is required by ADA, as well as the use of shrubbery. Council Member Mary Bess Lawing mentioned trees on the streets, as well.

Mayor Mullinax said that the sidewalk project should be consistent throughout the downtown area. He said that the Council adopted a Downtown Newton Streetscape Master Plan for the downtown area and it is disturbing to hear the Council discussing sidewalk projects on a case by case basis, that they should all be uniform.

Director of Public Works and Public Utilities Wilce Martin further explained the construction of sidewalks on the side streets and the streets in the downtown area.

City Manager Todd Clark called on Planning Director Glenn J. Pattishall to explain and answer questions from the Council about the construction of the sidewalk project on South Main Avenue and on West A Street beside the Old Post Office Playhouse. There was some discussion on trees being placed on Ashe Avenue, as well as, trees and shrubbery being incorporated in specific areas in the future.

The Council discussed the pavers and the choices that were presented, as well as, Council Member Tom Rowe questioned the utility and telephone lines that would be under the brick pavers. He also asked how deep the lines are.

Director of Public Works and Public Utilities Wilce Martin said that the telephone and utility lines are about 3 feet underground, and that only the telephone line and electric utility lines would be under the brick pavers.

Mayor Mullinax said that he understood that the side streets may not be uniform, but as the sidewalks are repaired in the downtown main street area, he hopes that these streets will be uniform.

Mayor Mullinax said that he would hate to make changes to the Downtown Newton Streetscape Master Plan on the first night a project was presented.

Commercial Development Coordinator Rob Powell explained that the Master Plan for A Street beside the Old Post Office Playhouse and Main Avenue is Cross-Section B for brick pavers, and Ashe Avenue behind the Old Post Office Playhouse is Cross-Section A which is to be used with either a grass strip or trees -- that there is a difference between the two sections.

Mr. Powell gave a detailed description of each paver on display and said that the #1 example (English Edge Autumn) is a special type of brick and may not be available, the #2 example (Brookstown) is the most popular paver, and the #3 example (Old South) has an antique look and is available.

Mr. Powell said that the Downtown Newton Development Association recommended the 3-foot wide utility strip and the #2 example from the pavers list, which they felt would be the best choice.

After comments from each Council Member on the choice of pavers, the #2 example of the pavers (Brookstown) was the general consensus.

Council Member Robert C. Abernethy, Jr. asked what are the safety issues and if the Staff is considering the risk factors in using the pavers. Mr. Martin said that the safety issues were addressed in the bid specifications and safety measures are required.

A motion was made by Mayor Pro Tem Anne Stedman, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve the #2 Brookstown Full Range Pavers (2 ¼ inch thickness) for the sidewalk project. A motion was made by Council Member Mary Bess Lawing, seconded by Mayor Pro Tem Anne Stedman, and unanimously adopted to approve the 3-foot wide utility strip.

Council Member Robert C. Abernethy, Jr. asked how much area is being discussed and questioned the difference in the cost. He referred to Alternative A – Paver 2 and Alternative B – Paver 2 – a difference of 2 or 3 feet. He said that he would like to get the Downtown Newton Streetscape Plan sidewalk project done, as opposed to the project being held up because of the cost.

Council Member Wayne Dellinger said that the 3-foot utility strip is easier on the utility workers to work on the sidewalks.

Mayor Mullinax asked Mr. Martin if the 3-foot utility strip is the best footage, which Mr. Martin confirmed.

Council Member Robert C. Abernethy, Jr. questioned the footage on the side streets using the pavers and asked how the transition is done for the current 4-foot sidewalk

to a 5-foot sidewalk. Mr. Martin said that the two streets would meet at a handicapped ramp which would separate the two streets.

Mr. Martin asked the Council to consider the bid of David E. Looper & Company, Inc. for the project.

Mayor Mullinax asked if this project was re-bid, would the City receive more bids. Mr. Martin said that he did not know, but further discussion revealed that it would take more time to start over and the project needed immediate attention.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve the bid of David L. Looper & Company, Inc, and the related budget ordinance for the sidewalk repair project.

Mayor Mullinax said that this sidewalk project is the first venture into the Downtown Newton Streetscape Master Plan and thanked the Staff and Council for their efforts.

**(ORDINANCE # 2010-18 IS HEREBY REFERENCED
AND ON FILE IN THE OFFICE OF THE CITY CLERK)**

**B. Consideration of Project Budget Ordinance Appropriating Funds for
Heritage Trail Greenway**

City Manager Todd Clark reviewed the item and asked the Council to accept the ordinance. He asked Planning Director/Assistant City Manager Glenn J. Pattishall to discuss the item further.

Mr. Pattishall gave a brief background on the Capital Project Budget Ordinance Amendment presented for the Heritage Trail Greenway Project, recapping information from the May 18 meeting, and requested that the Council adopt the Capital Project Budget Ordinance Amendment for \$108,200 to complete the project.

Mayor Mullinax expressed the Council's concern about the Heritage Trail Greenway during the 2010-2011 Budget Work Sessions, but stated that the Council should do all necessary to commit to the project.

A motion was made by Council Member Bill Lutz, seconded by Council Member Mary Bess Lawing, and adopted 5 to 1 to approve the Project Budget Ordinance Amendment appropriating funds for the Heritage Trail Greenway Project. Council Member Wayne Dellinger voted against the motion.

Council Member Wayne Dellinger asked which fund would the money for the Heritage Trail Greenway Project come from. City Manager Todd Clark said that the funds would come from the Fund Balance to finish paying for the project.

**(ORDINANCE #2010-19 IS HEREBY REFERENCED
AND ON FILE IN THE OFFICE OF THE CITY CLERK)**

C. Consideration of the Catawba County Chamber of Commerce Web Portal Project

City Manager Todd Clark reviewed the Web Portal Project which was presented to the Council by Danny Hearn, Director for the Catawba County Chamber of Commerce, earlier this year. He said that the Web Portal Project is to create a website for the general public that would serve as a central location for information on Catawba County which includes the City of Newton. City Manager Clark said that the Web Portal Project would represent a “one stop shop” for information which would include the municipalities in Catawba County.

City Manager Clark said that the Chamber is seeking to receive a commitment from the City of Newton to participate in the project and to commit a financial contribution of \$750 from the current fiscal year budget and \$750 from next year’s budget. City Manager Clark said that Mr. Hearn has assured him that there would be no further financial requirements after the 2011-2012 Fiscal Year. City Manager Clark said that he would find the funds in the Administration Department’s budget.

Mayor Mullinax said that the City of Newton is the County seat and should be a part of this venture with the Chamber.

A motion was made by Council Member Mary Bess Lawing, seconded by Mayor Pro Tem Anne Stedman, and unanimously adopted to approve participation in the Catawba County Chamber of Commerce Web Portal Project and to contribute \$750 from the current year’s budget and \$750 from the 2011-2012 Fiscal Year Budget with the understanding that there would be no further financial requirements after 2012.

Council Member Robert C. Abernethy, Jr. reiterated his concerns about the Hickory Metro logo being used in the Web Portal Project. He stated that he would like to be assured that the logo for the Hickory Metro not be the focal point for the project.

ITEM 7. NEW BUSINESS:

None.

ITEM 8. CITY MANAGER’S REPORT:

City Manager Todd Clark reported on the following:

- Asked the Council to review the GovDeals sheet, which includes two vehicles.
- Asked the Council to review the “Upcoming Events” list, especially the ribbon cutting ceremonies.
- Informed the Council that a generator has been installed at Fire Station #3 and is operational.
- Informed the Council that hydrant flowing has been completed, and hydrant painting in the downtown area should be finished in time for Soldiers Reunion, with the remainder of the painting to be finished by mid-September.
- Informed the Council of the opening of the Old Post Office Playhouse on September 15, 2010, with their first production on October 1. He said that the sidewalk project should be completed before that time.

- Informed the Council of notification that the City of Newton is an accredited Main Street City.
- Informed the Council that City Staff is helping with the Newton Depot Project.
- Informed the Council that the Staff is working on a 560 ft. water line replacement project on Mylinda Drive, which will cost approximately \$22,432 for labor and materials.
- Informed the Council to meet at the Old Post Office Playhouse on August 17, 2010 at 6:00 p.m. for a tour of the facility.
- Mentioned that there would be a discussion on the Historic District Designation for downtown Newton in October.

ITEM 9. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

Mayor Mullinax asked the Council and those in the audience to think about and attend the annual Soldiers Reunion Celebration.

Council Member Tom Rowe said that he had talked to City Manager Todd Clark and Police Chief Don Brown regarding the realigning of the traffic flow at South Newton Elementary School. City Manager Clark asked Chief Brown to give a report on his findings at South Newton Elementary School and to present the upcoming changes.

Chief Brown said that the changes for the traffic flow at South Newton Elementary School are for safety measures. He said that there have been discussions on the traffic flow at the school and presented a map to show the proposed change for this school year. Chief Brown reviewed the proposed changes and said that there has been a person there to direct the children, but the traffic flow has increased. He said that the proposed change would allow more room to queue up the cars, coming in from South Main Avenue and South Cline Avenue, keeping a traffic jam off U.S. Highway 321.

There was a brief discussion on signage on West I and West J Streets, as well as the possibility of a traffic jam on South Cline Avenue. Chief Brown said that these streets will be inspected for problems and that he hoped the changes would be beneficial for the safety of the children.

Chief Brown said that the parents would be contacted about the new changes before the school season starts.

Mayor Mullinax said that he hopes the City would cooperate with the Newton-Conover School System about this issue, which Chief Brown said that there has been good communication concerning the traffic flow issue. Chief Brown said that he and City Manager Clark have discussed this matter and feel that the new changes as presented would be beneficial for the safety of the children and would not cause a problem for the parents.

Council Member Tom Rowe mentioned his involvement with the traffic flow problem at South Newton and felt that the changes proposed are good.

City Manager Clark said that the Staff welcomes any comments from the Council now or at any time. Mayor Mullinax said that the Staff would know more about the effects from the changes by September, at which time it could be discussed again.

ITEM 10. **ADJOURNMENT:**

There being no further business to discuss, a motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously approved that the August 3, 2010 meeting be adjourned.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. "Bootsie" Roberts, CMC/City Clerk